

TWENTY-FOURTH DAY - FEBRUARY 9, 2005**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
FIRST SESSION****TWENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 9, 2005

PRAYER

The prayer was offered by Pastor Robert Chitwood, Brownville Christian Church and Charter Oak Christian Church, Talmage.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Beutler, Brown, Byars, Cunningham, Friend, Mines, D. Pederson, Preister, and Thompson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

ANNOUNCEMENT

The Revenue Committee designates LB 499 as its priority bill.

NOTICE OF COMMITTEE HEARINGS**Appropriations
Room 1003**

LB 421	Thursday, February 17, 2005	1:30 p.m.
LB 422	Thursday, February 17, 2005	1:30 p.m.
LB 423	Thursday, February 17, 2005	1:30 p.m.
LB 424	Thursday, February 17, 2005	1:30 p.m.
LB 425	Thursday, February 17, 2005	1:30 p.m.
LB 426	Thursday, February 17, 2005	1:30 p.m.
LB 427	Thursday, February 17, 2005	1:30 p.m.
LB 428	Thursday, February 17, 2005	1:30 p.m.
LB 183	Thursday, February 17, 2005	1:30 p.m.
LB 184	Thursday, February 17, 2005	1:30 p.m.
LB 398	Thursday, February 17, 2005	1:30 p.m.

LB 659 Thursday, February 17, 2005 1:30 p.m.

(Signed) Don Pederson, Chairperson

Revenue
Room 1524

LB 231 Friday, February 25, 2005 1:30 p.m.
LB 147 Friday, February 25, 2005 1:30 p.m.
LB 358 Friday, February 25, 2005 1:30 p.m.

LB 628 Wednesday, March 2, 2005 1:30 p.m.
LB 576 Wednesday, March 2, 2005 1:30 p.m.

LB 763 Thursday, March 3, 2005 1:30 p.m.
LB 723 Thursday, March 3, 2005 1:30 p.m.
LB 542 Thursday, March 3, 2005 1:30 p.m.

(Signed) David Landis, Chairperson

STANDING COMMITTEE REPORTS
Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Marilyn Harris - Coordinating Commission for Postsecondary Education
James W. Strand - Coordinating Commission for Postsecondary Education

VOTE: Aye: Senators Bourne, Byars, Howard, Kopplin, McDonald, Raikes, and Stuhr. Nay: None. Absent: Senator Schrock.

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Stephen Lewis - Board of Trustees of the Nebraska State Colleges
Carter Peterson - Board of Trustees of the Nebraska State Colleges

VOTE: Aye: Senators Bourne, Byars, Howard, Kopplin, McDonald, Raikes, and Stuhr. Nay: None. Absent: Senator Schrock.

(Signed) Ron Raikes, Chairperson

MOTION - Approve Appointment

Senator Schrock moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page

436:

Game and Parks Commission
James J. Ziebarth

Voting in the affirmative, 34:

Aguilar	Cudaback	Howard	Kruse	Schimek
Baker	Engel	Hudkins	Landis	Schrock
Brashear	Erdman	Janssen	Louden	Smith
Burling	Fischer	Jensen	Pahls	Stuhr
Chambers	Flood	Johnson	Pedersen, Dw.	Stuthman
Connealy	Foley	Kopplin	Price	Wehrbein
Cornett	Heidemann	Kremer	Redfield	

Voting in the negative, 0.

Present and not voting, 6:

Bourne	Langemeier	Raikes
Combs	McDonald	Synowiecki

Excused and not voting, 9:

Beutler	Byars	Friend	Pederson, D.	Thompson
Brown	Cunningham	Mines	Preister	

The appointment was confirmed with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 53. The Standing Committee amendment, AM0058, found on page 340 and considered on page 455, was renewed.

Senator Smith offered the following amendment to the Standing Committee amendment:
(Amendment, AM0330, is on file and available in the Clerk's Office, Room 2014.)

The Smith amendment lost with 8 ayes, 16 nays, 19 present and not voting, and 6 excused and not voting.

Senator Smith offered the following amendment to the Standing Committee amendment:
AM0328

(Amendments to Standing Committee amendments, AM0058)

1. On page 1, line 17; page 2, lines 11 and 22; page 7, line 25; page 8, line 24; and page 10, line 19, strike "two" and insert "five".

4 2. On page 9, line 25, strike "two-year" and insert
5 "five-year".

Senator Smith moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator Smith requested a record vote on his amendment.

Voting in the affirmative, 8:

Engel	Fischer	Landis	Louden
Erdman	Hudkins	Langemeier	Smith

Voting in the negative, 30:

Aguilar	Chambers	Johnson	Pedersen, Dw.	Schimek
Beutler	Connealy	Kopplin	Pederson, D.	Stuhr
Bourne	Cornett	Kruse	Preister	Stuthman
Brashear	Howard	McDonald	Price	Synowiecki
Burling	Janssen	Mines	Raikes	Thompson
Byars	Jensen	Pahls	Redfield	Wehrbein

Present and not voting, 10:

Baker	Combs	Cunningham	Friend	Kremer
Brown	Cudaback	Foley	Heidemann	Schrock

Excused and not voting, 1:

Flood

The Smith amendment lost with 8 ayes, 30 nays, 10 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment was adopted with 26 ayes, 3 nays, 19 present and not voting, and 1 excused and not voting.

SPEAKER BRASHEAR PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LR 33 and 34 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 33 and 34.

GENERAL FILE

LEGISLATIVE BILL 53. Considered.

Senator Schimek moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Senator Smith requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 41:

Aguilar	Connealy	Jensen	Pahls	Stuhr
Beutler	Cornett	Johnson	Pedersen, Dw.	Stuthman
Bourne	Cudaback	Kopplin	Pederson, D.	Synowiecki
Brashear	Cunningham	Kremer	Preister	Thompson
Brown	Flood	Kruse	Price	Wehrbein
Burling	Heidemann	Landis	Raikes	
Byars	Howard	Langemeier	Redfield	
Chambers	Hudkins	McDonald	Schimek	
Combs	Janssen	Mines	Schrock	

Voting in the negative, 8:

Baker	Erdman	Foley	Louden
Engel	Fischer	Friend	Smith

Not voting, 0.

Advanced to E & R for review with 41 ayes, 8 nays, and 0 not voting.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS **Urban Affairs**

LEGISLATIVE BILL 161. Placed on General File as amended.

Standing Committee amendment to LB 161:

AM0318

- 1 1. On page 2, strike beginning with "The" in line 3
- 2 through the period in line 8, show the old matter as stricken, and
- 3 insert "(1) Except as provided in subsection (2) of this section,
- 4 the assessment of special taxes for sewer or water improvements in
- 5 a district shall be levied at one time and shall become delinquent
- 6 in equal annual installments over a period of years equal to the
- 7 number of years for which the bonds for such project were issued
- 8 pursuant to section 16-670.".
- 9 2. On page 3, after line 3 insert:
- 10 "(2) If the city incurs no new indebtedness pursuant to

11 section 16-670 for sewer or water improvements in a district, the
 12 assessment of special taxes for sewer or water improvements shall
 13 be levied at one time and shall become delinquent in equal annual
 14 installments over such period of years as the city council
 15 determines at the time of making the levy to be reasonable and
 16 fair.".

17 3. On page 4, strike beginning with "The" in line 16
 18 through the period in line 22, show the old matter as stricken, and
 19 insert "(1) Except as provided in subsection (2) of this section,
 20 the assessment of special taxes for sanitary sewer extension mains
 21 or water extension mains in a district shall be levied at one time
 22 and shall become delinquent in equal annual installments over a
 23 period of years equal to the number of years for which the bonds
 24 for such project were issued pursuant to section 19-2405.".

1 4. On page 5, after line 22 insert:

2 "(2) If the city or village incurs no new indebtedness
 3 pursuant to section 19-2405 for any water service extension or
 4 sanitary sewer extension in a district, the assessment of special
 5 taxes for such improvements shall be levied at one time and shall
 6 become delinquent in equal annual installments over such period of
 7 years as the city council or board of trustees determines at the
 8 time of making the levy to be reasonable and fair.".

LEGISLATIVE BILL 372. Placed on General File as amended.
 Standing Committee amendment to LB 372:
 AM0319

1 1. Strike the original sections and insert the following
 2 new section:
 3 "Section 1. Notwithstanding any other provision of
 4 sections 14-2101 to 14-2157 to the contrary, the board of directors
 5 of a metropolitan utilities district shall, by majority vote of its
 6 membership, designate the official title of the individual
 7 exercising the duties and functions of the general manager as
 8 specified in sections 14-2109, 14-2110, 14-2146, and 14-2147."

(Signed) Mike Friend, Chairperson

Business and Labor

LEGISLATIVE BILL 484. Placed on General File.
LEGISLATIVE BILL 485. Placed on General File.

(Signed) Douglas Cunningham, Chairperson

Urban Affairs

LEGISLATIVE BILL 268. Placed on General File.
LEGISLATIVE BILL 406. Placed on General File.
LEGISLATIVE BILL 452. Placed on General File.

LEGISLATIVE BILL 662. Indefinitely postponed.

(Signed) Mike Friend, Chairperson

NOTICE OF COMMITTEE HEARINGS

Judiciary
Room 1113

LB 538	Wednesday, February 16, 2005	1:30 p.m.
LB 572	Wednesday, February 16, 2005	1:30 p.m.
LB 642	Wednesday, February 16, 2005	1:30 p.m.
LB 677	Wednesday, February 16, 2005	1:30 p.m.
LB 747	Wednesday, February 16, 2005	1:30 p.m.
LR 22CA	Wednesday, February 16, 2005	1:30 p.m.
LB 128	Thursday, February 17, 2005	1:30 p.m.
LB 322	Thursday, February 17, 2005	1:30 p.m.
LB 396	Thursday, February 17, 2005	1:30 p.m.
LB 444	Thursday, February 17, 2005	1:30 p.m.
LB 654	Thursday, February 17, 2005	1:30 p.m.

(Signed) Patrick J. Bourne, Chairperson

Government, Military and Veterans Affairs
Room 1507

LB 373	Wednesday, February 16, 2005	1:30 p.m.
LB 474	Wednesday, February 16, 2005	1:30 p.m.
LB 476	Wednesday, February 16, 2005	1:30 p.m.
LB 490	Wednesday, February 16, 2005	1:30 p.m.
LB 565	Wednesday, February 16, 2005	1:30 p.m.

Wednesday, February 16, 2005	1:30 p.m.
Steven Danon - State Emergency Response Commission	
Donald Eisenhower - State Emergency Response Commission	
Steve McCollister - Accountability and Disclosure Commission	

(Signed) DiAnna R. Schimek, Chairperson

GENERAL FILE

LEGISLATIVE BILL 162. Title read. Considered.

The Standing Committee amendment, AM0044, found on page 372, was considered.

Senator Chambers offered the following motion:
Bracket until May 29, 2005.

Senator Chambers withdrew his motion.

Senator Schrock offered the following amendment to the Standing Committee amendment:

FA18

Amend AM0044

Strike on page 1, line 9 after the semicolon through the period on line 10; and strike the new language on page 22, lines 26 through 28 of the bill and on page 18 strike the new language on line 22 through the semicolon on line 24.

The Schrock amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Senator Schrock renewed his pending amendment, AM0325, found on page 458.

The Schrock amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

STANDING COMMITTEE REPORTS

General Affairs

The General Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Riley H. George - State Electrical Board

Tom F. Ourada - State Electrical Board

VOTE: Aye: Senators Connealy, Cornett, Erdman, Fischer, Friend, Janssen, Wehrbein. Nay: None. Absent: Senator Landis.

LEGISLATIVE BILL 562. Placed on General File.

LEGISLATIVE BILL 563. Placed on General File.

(Signed) Ray Janssen, Chairperson

Agriculture

LEGISLATIVE BILL 330. Placed on General File.

LEGISLATIVE BILL 150. Placed on General File as amended.
Standing Committee amendment to LB 150:
AM0218

- 1 1. Insert the following new section:
- 2 "Sec. 17. Since an emergency exists, this act takes
- 3 effect when passed and approved according to law."
- 4 2. On page 8, strike beginning with "If" in line 10
- 5 through "(5)" in line 19; in line 21 strike ", on a calendar
- 6 quarterly basis,"; strike beginning with "The" in line 26 through
- 7 "(6)" in line 28 and insert the following: "The director shall pay
- 8 refunds no later than the fifteenth day of the month following the
- 9 month in which the request for refund is received.
- 10 (5)".
- 11 3. On page 9, line 6, strike "(7)" and insert "(6)".
- 12 4. On page 13, line 3, after "Terminated" insert "
- 13 except that if either operative contingency occurs on or before
- 14 September 1, 2005, the other sections of this act become operative
- 15 on September 1, 2005".

(Signed) Bob Kremer, Chairperson

ANNOUNCEMENT

The Agriculture Committee designates LB 150 as its priority bill.

UNANIMOUS CONSENT - Add Cointroducer

Senator Chambers asked unanimous consent to have his name added as cointroducer to LB 584. No objections. So ordered.

VISITORS

Visitors to the Chamber were 54 twelfth-grade students and teachers from Lincoln Christian High School; and Erin Bartholomew from Lincoln Southwest High School.

The Doctor of the Day was Dr. Randy Kohl from Firth.

ADJOURNMENT

At 12:03 p.m., on a motion by Senator Cornett, the Legislature adjourned until 9:00 a.m., Thursday, February 10, 2005.

Patrick J. O'Donnell
Clerk of the Legislature

